

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION**  
**(RCA)**

**DEPARTMENT:** Airport  
**AGENDA DATE:** February 22, 2005  
**CONTACT PERSON/PHONE:** Patrick T. Abeln, A.A.E.  
**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Resolution to authorize a First Amendment to Fixed Base Operators Lease and Operating Agreement between the City of El Paso (Lessor) and Cutter Aviation of El Paso Limited Partnership (Lessee).

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

Lessee has requested to amend the lease to increase the Tenant Improvement Site and decrease the Aircraft Parking Site to accommodate the redistribution of the eminent construction of their new Fixed Base Operators facility. This adjustment equates to an increase in annual revenues to the City in the amount of \$3,227.60.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one? If so, when?

Yes. This lease was approved by Council on December 2, 2003.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A. This is a revenue generating lease.

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A.

This First Amendment to Fixed Base Operators Lease and Operating Agreement was presented to the Airport Advisory Board on May 25, 2004 and was approved unanimously.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

Sylvia Borunda Firth, Assistant City Attorney

**OTHER:** Patrick T. Abeln, Director of Aviation \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)

***Information copy to appropriate Deputy City Manager***

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT the Mayor be authorized to sign a First Amendment to Fixed Base Operators Lease and Operating Agreement between the City of El Paso ("Lessor") and Cutter Aviation El Paso Limited Partnership ("Lessee") to increase the Tenant Improvement Area, decrease the Aircraft Parking Ramp and to adjust the Fixed Annual Rent effective March 1, 2005.**

**APPROVED the 22<sup>nd</sup> day of February, 2005.**

**CITY OF EL PASO**

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**Joe Wardy**  
**Mayor**

**ATTEST:**

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**Richarda Duffy Momsen**  
**City Clerk**

**APPROVED AS TO FORM:**

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**Sylvia Borunda Firth**  
**Assistant City Attorney**

**APPROVED AS TO CONTENT:**

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**Patrick T. Abeln, A.A.E.**  
**Director of Aviation**

**STATE OF TEXAS            )       FIRST AMENDMENT TO FIXED BASE**  
**)       OPERATORS LEASE AND OPERATING**  
**COUNTY OF EL PASO        )       AGREEMENT**

This First Amendment to Fixed Base Operators Lease and Operating Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2005 by and between the City of El Paso ("Lessor") and Cutter Aviation El Paso Limited Partnership ("Lessee").

**WHEREAS**, on November 1, 2003, Lessor entered into a Fixed Base Operators Lease and Operating Agreement ("Agreement") with Lessee; and

**WHEREAS**, Lessor and Lessee now desire to amend the Agreement to increase the Tenant Improvement Site and decrease the Aircraft Parking Ramp.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Premises.** The definition of Premises contained in Section 5.01 of the Agreement is amended to provide that the total square footage of the Tenant Improvement Site shall be 117,467.235 square feet and the total square footage of the Aircraft Parking Ramp shall be 318,145.692 square feet.
2. **Fixed Annual Rent.** Section 5.01(A) of the Agreement shall be amended to provide that the initial Fixed Annual Rent shall be calculated as follows:  
  
117,467.235 sq. ft. of Tenant Improvement Space at \$0.20/sq.ft./annum = \$23,493.45 per annum or \$1,957.79 per month.
3. **Replacement of Exhibit "A".** Exhibit "A" attached to the Agreement is replaced by Replacement Exhibit "A" attached to this First Amendment and fully incorporated by reference.
4. **Ratification.** Except as expressly modified herein all other terms and conditions of the Agreement shall remain in full force and effect and shall remain as written unless expressly modified herein.

**IN WITNESS WHEREOF**, this First Amendment to Fixed Base Operators Lease and Operating Agreement has been executed by the parties hereto as of this \_\_\_\_ day of \_\_\_\_\_ 2005.

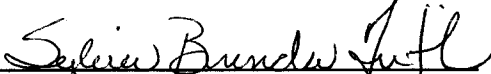
**LESSOR: CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy  
Mayor


**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Sylvia Borunda Firth  
Assistant City Attorney

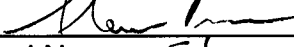
**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Patrick T. Abeln, A. A. E.  
Director of Aviation

**ATTEST:**

\_\_\_\_\_

**LESSEE: CUTTER AVIATION EL PASO LIMITED PARTNERSHIP**

By:   
\_\_\_\_\_  
Printed Name: Steven Prieser  
Title: CFO

**(ACKNOWLEDGMENTS ON FOLLOWING PAGE)**

**ACKNOWLEDGMENT**

THE STATE OF TEXAS   )  
  )  
COUNTY OF EL PASO   )

          This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2005 by Joe Wardy, as Mayor of the City of El Paso, Texas.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

**ACKNOWLEDGMENT**

THE STATE OF \_\_\_\_\_)  
  )  
COUNTY OF \_\_\_\_\_)

          This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2005 by \_\_\_\_\_ as \_\_\_\_\_ of  
Cutter Aviation El Paso Limited Partnership (Lessee).

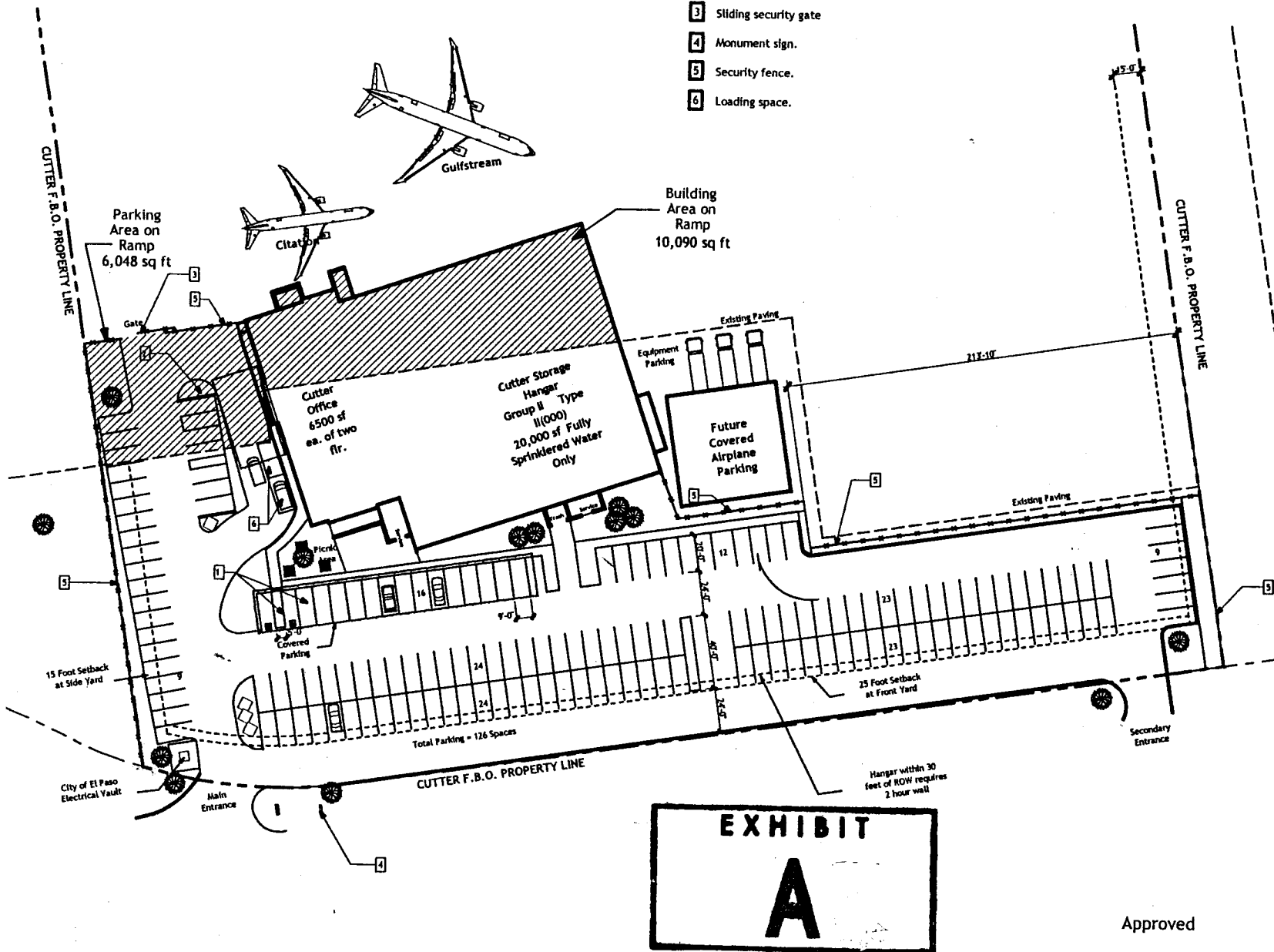
My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

KEYED NOTES:

- 1 Standard handicap accessible parking space. 8'-0" wide by 20'-0" long.
- 2 Van accessible handicap parking space. 8'-0" wide by 20'-0" long.
- 3 Sliding security gate
- 4 Monument sign.
- 5 Security fence.
- 6 Loading space.



Cutter Aviation  
El Paso F.B.O.

November 8, 2004

Site Plan

Scale: 1" = 80'-0"

Approved

Name

Date

**METROPOLIS**  
Design Group LLC

2601 North Third Street  
Suite 308

Phoenix, AZ 85004  
Phone (602) 274-9777  
Fax (602) 274-4147